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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,999	02/20/2002	Richard Kennedy	1662-54900 JMH (P01-3739)	1325
23505	7590	08/04/2004	EXAMINER JACKSON, BLANE J	
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267			ART UNIT 2685	PAPER NUMBER 2

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,999

Applicant(s)

KENNEDY, RICHARD

Examiner

Blane J Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5-9, 11, 12, 17, 18, 30, 31, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuoka (U.S. Patent 6,300,976) with a view to Harris (U.S. Patent 6,738,643).

As to claims 1 and 2, Fukuoka teaches a portable electronic device comprising:
a CPU (figure 6, a camera, column 2, lines 46-55, with CPU(23), column 5, lines 29-33),

A transceiver coupled to said CPU, the transceiver capable of wired communications (figure 3, camera to cellular telephone (32), column 3, lines 27-48),

A memory unit coupled to the CPU (figure 6, column 2, lines 55-62, column 12, lines 17-30),

An image capture device coupled to the CPU, the image capture device acquires an image (figure 6, column 4, lines 35-63),

Wherein the transceiver transmits the image to a remote storage device through an intermediate electronic device (figures 3 and 5, images transmitted through a cellular

telephone to a computer or remote storage device, column 4, lines 15-19, column 3, lines 39-45),

Wherein the transceiver automatically begins transmitting images after the image is acquired by the image capture device (the I/O card transceiver manages the images in a monitoring mode, column 4, lines 15-34).

Fukuoka teaches an I/O card to perform a wired connection to the intermediate electronic device but does not teach a wireless connection.

Harris teaches a personal digital assistant comprising a camera and a Bluetooth module to acquire images and wireless link to a nearby cellular telephone and or PSTN telephone (figures 2 and 4, column 2, lines 10-22).

It would have been obvious to one skilled in the art at the time of the invention to modify the easily convertible I/O card of Fukuoka with a Bluetooth module as taught by Harris to facilitate a convenient wireless transfer of data between the camera and intermediate electronic device.

As to claims 5-7, 30, 31, 40 and 41 with respect to claims 1, 30 and 40, Fukuoka teaches a system to command and control a remote digital camera including commands to change the amount of compression or aspect of images, take a picture or a series of moving pictures, to flash, focus, exposure, audio etc. (column 9, line 40 to column 10 line 65) with an awareness of when the camera memory is full (Abstract). Since Fukuoka also teaches a camera system to remotely transmit and receive images from a connected computer (column 4, lines 3-19), it would have been obvious to one of

ordinary skill in the art at the time of the invention to modify Fukuoka with a command to begin transmitting the images stored in the camera when the CPU determines the memory is full or has reached some capacity point in the normal procedure to remotely store and to maintain operation.

As to claims 8 and 9, with respect to claim 1, Fukuoka teaches the transmitter of the portable electronic device may receive images from the remote storage device, the Bluetooth connection protocol discussed in claim 1 (column 4, lines 3-19).

As to claims 11 and 12, with respect to claim 10, and claims 17 and 18 with respect to claim 16, Fukuoka teaches a camera with an I/O card or transceiver to provide connection to a cellular telephone (figure 3, column 3, lines 27-45) but does not teach the transceiver comprises the wireless Bluetooth protocol.

Harris teaches a personal digital assistant with a built in camera capable of an IR or Bluetooth connection to a conventional cellular telephone (or landline telephone) (figure 2, column 1, line 41 to column 2, line 22). It would have been obvious to one of ordinary skill in the art at the time of the invention to exchange the I/O card of Fukuoka for the Bluetooth module of Harris for convenience of a wireless connection to a portable device and selecting a type of short range communication with better noise immunity.

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2. Claims 3, 4, 29 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuoka (U.S. Patent 6,300,976) and Harris (U.S. Patent 6,738,643) with a view to Reelee et al. (U.S. Patent 5,893,037).

As to claims 3 and 4 with respect to claim 1, and claim 29 with respect to claim 23 and claim 39 with respect to claim 36, Fukuoka teaches a remote image storing and viewing system where the camera is programmed with an operating portion through which the user inputs commands such as the command to take a picture when the shutter button is pressed (column 5, lines 29-39). Fukuoka does not specifically teach the transceiver transmits the image when the input control is activated.

Reelee teaches a camera with wireless link to a cellular telephone where the camera operator activates an image transmission selector on the control interface of the camera to command the camera to download the digital image signal stored in memory (figures 2-4, column 5, lines 25-49, column 3, lines 10-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to recognize in the operating portion of Fukuoka modified the selection to transmit images as taught by Reelee for local control by the camera operator to transmit images for remote sight viewing and storage.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 10, 16, 22-26, 28, 32-36 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukuoka (U.S. Patent 6,300,976).

As to claims 10 and 16, Fukuoka teaches a cell phone comprises:

A CPU (figure 6, a camera, column 2, lines 46-55, with CPU (23), column 5, lines 29-33),

A memory unit coupled to the CPU (figure 6, column 2, lines 55-62, column 12, lines 17-30),

At least two transceivers both coupled to the CPU, a first transceiver providing communication to a portable electronic device and a second transceiver providing communication to a remote storage device (figure 3, link to the camera and wireless network connection),

Wherein the cell phone transfers images from the portable electronic device to the remote storage device (column 3, lines 27-45) and transfers images from the remote

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storage device to the portable electronic device using a communications link (column 4, lines 3-6).

As to claims 22 and 32, Fukuoka teaches a system and method for remote data storage and retrieval for portable electronics comprising:

A portable electronic device further comprising memory, a central processing unit, an image capture device and a transceiver (figures 1, 7 and 8, a digital camera (30), column 2, lines 46-67),

An intermediary electronic device further comprising memory and at least two transceivers (figure 3, cellular telephone (32), camera connection, network connection, column 3, lines 27-37),

A communication link between the portable device and the intermediary electronic device (figure 3, line (24)),

A communication link between the intermediary electronic device and a cellular network wherein the cellular network is connected to the Internet (I/O card including a modem to connect to the Internet through the telephone, column 3, lines 33-48),

A remote storage device further comprising data storage space wherein the storage device is connected to the Internet (column 3, lines 39-45),

Wherein the portable electronic device is able to transmit images to the remote storage device (column 3, lines 39-45).

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As to claims 23 and 33, Fukuoka teaches the portable electronic device comprises a digital camera (figure 1, column 2, lines 46-67).

As to claims 24-26 and 34-36, Fukuoka teaches a camera with an I/O card or transceiver to provide connection to a modern cellular telephone (figure 3, column 3, lines 27-45) but does not teach the transceiver comprises the wireless Bluetooth protocol.

Harris teaches a personal digital assistant with a built in camera capable of an IR or Bluetooth connection to a conventional cellular telephone (or landline telephone) (figure 2, column 1, line 41 to column 2, line 22). It would have been obvious to one of ordinary skill in the art at the time of the invention to exchange the I/O card of Fukuoka for the Bluetooth module of Harris for convenience of a wireless connection to a portable device and selecting a type of short range communication with better noise immunity.

As to claims 28 and 38, Fukuoka teaches the transceiver automatically begins transmitting the image after the image is acquired by the image capture device (figure 5, a monitoring system meaning real time observation of the images at the remote station, column 4, lines 15-31).

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3. Claims 13-15, 19-21, 27 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuoka (U.S. Patent 6,300,976) with a view to Whitman (U.S. Patent 6,526,351).

As to claims 13-15 and 19-21 and claim 27 with respect to claim 25 and claim 37 with respect to claim 35, Fukuoka teaches a cell phone comprising the claim elements of claims 10 and 16 respectively, but does not teach a portable computer.

Whitman teaches at least two transceivers both coupled to the CPU, a first transceiver providing communication to a portable electronic device and a second transceiver providing communication to a remote storage device (figure 5, modern cellular telephone linked or integrated with PDA (52) and Bluetooth link to digital camera (57), column 14, line 32 to column 15, line 65). It would have been obvious to one of ordinary skill in the art at the time of the invention to exchange the cell phone of Fukuoka for the PDA/ cell phone combination of Whitman to gain processing power in the device wirelessly coupling the camera and remote storage unit.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kim (U.S. Patent 6,278,884) discloses a combination cellular telephone, alarm, AM/FM radio and camera where the camera transmits images automatically when triggered by a sensor or manually with a key press by the user. Lichtfuss (U.S. Patent 6,677,904) discloses a camera with an integrated wireless antenna suitable to support a transceiver for images and control. Kim (U.S. Patent

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6,681,120) discloses a cellular or satellite telephone capable of wireless communication with the Internet with replaceable memory for recording music and data from the Internet and also includes a camera and microphone to record for wireless transmission. Schaeffer et al. (U.S. Patent 6,731,952) discloses a mobile telephone system having a detachable camera/ battery module. Shiota et al. (U.S. Patent 6,657,660) discloses a system for storing and utilizing picture image data recorded by a digital camera. Yoshida et al. (U.S. Patent 6,690,417) discloses a control system to monitor and compress images as necessary for remote storage.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J Jackson whose telephone number is (703) 305-5291. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703) 305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJJ


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